

**REMARKS****Overview**

Claims 1-10 and 12-16 are currently pending in this application. Claims 2, 5, 8, 14, and 15 have been amended to refer to the second clip instead of the first clip. Claims 6 and 9 have been amended to refer to the first clip instead of the second clip. Applicant had inadvertently switched these around in those claims. Claims 12-15 have also been amended. Applicant has cancelled claim 11 because the limitation in this claim has been moved into claim 10. Claim 12 has therefore been amended to depend on claim 10 instead of cancelled claim 11. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

**Specification**

The Specification has been objected to because on page 1, line 17 "than" should be changed to "that". In addition, on page 1, line 30, "manufacture" should be changed to "manufacture,". As suggested by the Examiner, Applicant has corrected these grammatical informalities. These objections should now be moot.

The Specification has also been amended on page 3 to correct an inadvertent reference numeral error.

**Claim Objections**

Claims 8, 9, and 13 have been objected to because of informalities. Applicant has made the grammatical corrections as suggested by the Examiner, and therefore these objections should now be moot. Applicant notes that in claim 9, in addition to the grammatical change suggested

by the Examiner, the reference to the second clip flange has been changed to "each of the first clip flanges" because of an inadvertent error by the Applicant.

#### **Claim Rejections - 35 U.S.C. § 112**

Claim 14 has been rejected under 35 U.S.C. § 112, second paragraph, because there is insufficient antecedent basis for "the door surface" in claim 14. Applicant has amended claim 14 so there is now sufficient antecedent basis for "the door surface". Applicant respectfully requests that this rejection now be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 102**

Independent claim 1 as well as depending claims 2 and 6-9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sheiman et al., (U. S. Patent No. 4,422,212). Applicant respectfully traverses this rejection and requests reconsideration of these claims.

Independent claim 1 requires first and second springs that bias the first and second pawls, respectively, toward the second clip. Sheiman does not teach a second spring. Sheiman only teaches one spring 50 that provides biasing force of free end 54 against down turned flanges 88, 90. Abutment stops 62, 64 in Sheiman merely act as stops and do not provide any biasing or spring action. Since Sheiman does not disclose a second spring, it cannot anticipate claim 1.

As for dependent claim 2, it is further distinguished from Sheiman because it requires a first screw and a first hole within the second clip to receive the first screw. In contrast, Sheiman only discloses rivets 16, 18 and does not teach using screws. As for dependent claim 6, it is also further distinguished from Sheiman because it requires a second screw in a second hole within the first clip to receive the second screw. In contrast, element 108 in Sheiman is a swivel shaft and does not disclose a second screw.

As for dependent claim 7, it further requires a handle surface adapted to receive the second screw. As noted previously, Sheiman does not teach either a first or second screw. In addition, Sheiman does not disclose a handle surface. Element 100 in Sheiman is a base plate for the roller 12. The roller 12 is not a handle and does not function as a handle surface. See Sheiman, col. 6, lines 46-47: "The caster roller assembly shown in FIG. 1 provides rolling engagement of the luggage with the ground."

Dependent claim 8 requires that each of the second clip flanges is an inwardly curved arc. As noted earlier in the remarks, Applicant has amended claim 8 to indicate that the second clip, not the first clip, has the flanges with the inwardly curved arcs. Furthermore, neither the horizontal legs 44, 46 on the base 20 nor the horizontal legs 78, 80 on the slide member 66 of Sheiman have inwardly curved arcs. As clearly shown in Sheiman, Figures 5 and 6, the horizontal legs (44, 46 and 78, 80) are appropriately named because they extend in a single horizontal plane. In contrast, compare Applicant's invention, such as Figures 2 and 5, which clearly show a flange 38 with an inwardly curved arc that Sheiman does not have. For the same reason, Sheiman does not anticipate claim 9 since claim 9 requires the inwardly curved arc which Sheiman does not have.

Since a *prima facie* case of anticipation has not been made for independent claim 1 or for dependent claims 2 and 6-9, Applicant respectfully requests that this rejection be withdrawn.

Independent claim 10, as well as depending claims 11-13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sheiman et al. Applicant has cancelled claim 11 because the limitation of claim 11 has been moved to claim 10. In view of the amendment made to independent claim 10, Applicant respectfully traverses this rejection for the remaining claims 10, 12 and 13 and requests reconsideration of these claims.

Claim 10 has been amended to include a pair of springs which bias the pair of pawls toward the second clip. Sheiman does not teach a pair of springs. Sheiman only teaches one spring 50 that provides a biasing force of free end 54 against down turned flanges 88, 90. Abutment stops 62, 64 in Sheiman merely act as stops and do not provide any biasing or spring action. Since Sheiman does not disclose a second spring, it cannot anticipate amended claim 10.

Sheiman cannot anticipate dependent claims 12 and 13 since these claims depend from amended claim 10. Claim 12 is further distinguished from Sheiman because claim 12 requires that both pawls be mounted on the spring arms. As noted for claim 10, the abutment stops 62, 64 in Sheiman are not acting as spring arms and thus Sheiman cannot contain the limitation that is in claim 12. Claim 13 requires that the second clip have a pair of spaced apart holes and that the pawl stops each comprise an edge of one of the spaced apart holes. It is debatable whether access opening 92 and cut out 94 in Sheiman can be considered holes since they are not completely enclosed and have one or more edges missing. However, because claim 13 depends from amended claim 10, it already distinguishes from the teaching in Sheiman.

Since Sheiman does not disclose all of the limitations present in independent claim 10 and dependent claims 12 and 13, a *prima facie* case of anticipation has not been made. Applicant respectfully requests that this rejection be withdrawn to these claims.

#### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 3-5 and 14-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheiman et al., in combination with Busnelli (U.S. Patent No. 6,094,866). Applicant respectfully traverses this rejection and requests reconsideration of these claims.

"If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." MPEP § 2143.03 (citing In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Since independent claims 1 and 10 have not been rejected as obvious, dependent claims 3-5 and 14-16 cannot be deemed obvious.

Furthermore, as noted in the traverse of the anticipation rejection, Sheiman does not disclose all of the elements of independent claim 1 and amended claim 10. Claims 3-5 depend from claim 1 and claims 14-16 depend from amended claim 10. Therefore, Sheiman in combination with Busnelli cannot render claims 3-5 or 14-16 obvious since the combination of these two references does not disclose all of the limitations of these claims. MPEP §§ 2142, 2143.03 (stating that for a *prima facie* obviousness rejection, the prior art references must teach all of the claim limitations).

Because of at least the previous two reasons, a *prima facie* case of obviousness has not been made. Applicant respectfully requests withdrawal of this rejection and allowance of claims 3-5 and 14-16.

In view of the foregoing remarks, reconsideration and allowance is respectfully requested for all pending claims.

### Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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